

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 18929 of 2005

Between:

M.Chinnakka

..... PETITIONER

AND

The Joint Collector, Cuddapah,

Cuddapah district and 2 others

.....RESPONDENTS

ORDER:

Challenging the proceedings dated 11.07.2005, suspending the license of the fair price shop of the petitioner, pending disposal of enquiry under Section 6-A of the Essential Commodities Act, 1955, the present writ petition is filed.

Heard the learned counsel for the petitioner.

The only contention raised by the learned counsel for the petitioner is that pending disposal of 6-A proceedings, the license of the petitioner cannot be suspended and for that purpose, he placed strong reliance on a decision in ***Kilari Gurunaidu vs. The Joint Collector, Vizianagaram & Anr.*** wherein it is held:

“Suspension of authorization pending enquiry on any and every ground will inevitably put them to great hardship. Therefore, it is all the more important that power to order suspension of authorizations pending enquiry has to be exercised with circumspection keeping in view the nature and degree of violation involved and the material available to substantiate the same and the like, and not in a routine and mechanical way without proper application of mind to the facts and circumstances involved. Reasons also have to be recorded.”

In this case, the impugned order discloses that the enquiry under Sub-Clause (5) of Clause 4 of Andhra Pradesh State Public Distribution System (Control) Order, 2001 was not initiated when it was issued. It was made pending enquiry under Section 6-A of the Essential Commodities Act, 1955 and there was no application of mind. Hence, following the same, the writ petition has to be allowed. However, it is made clear that if the appointing authority initiates any enquiry under Clause 4 of Andhra Pradesh State Public Distribution System (Control) Order, 2001, it is open for the said authority to make appropriate orders for suspension pending enquiry in the light of what is stated above.

With the above observations, the Writ Petition is disposed of. No order as to costs.

K.C. BHANU,J

Dated: 29.08.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr